

AMENDED IN ASSEMBLY MAY 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1329

Introduced by Assembly Member Levine

February 21, 2003

~~An act relating to public utilities.~~ *An act to add Section 2895.5 to the Public Utilities Code, relating to telecommunications.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1329, as amended, Levine. Public Utilities Commission: *telecommunications.*

Existing law establishes a Public Utilities Commission, with powers and duties relating to public utilities, including the authority to establish its own procedures, subject to statute and due process, the duty to enforce provisions of law affecting public utilities, and certain adjudicative powers.

~~This bill would state the intent of the Legislature to develop, in subsequent amendments, consistent and organized processes within the commission for its proceedings, and for its enforcement and adjudicative functions.~~

The Telecommunications Customer Service Act of 1993 requires the commission to require telephone corporations to provide certain customer services to telecommunications customers and authorizes the commission to require telephone corporations to provide additional services.

This bill would provide that consumers of telecommunications services have a right of disclosure, a right of choice, a right of privacy, a right to public participation and enforcement, a right to accurate bills

and adequate remedies when bills are not accurate, a right to be free from discrimination, and a right to safety and security of their person and property.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. (a) The Legislature finds and declares all of the~~
2 *SECTION 1. Section 2895.5 is added to the Public Utilities*
3 *Code, to read:*

4 2895.5. Consumers of telecommunications services have all
5 of the following rights:

6 (a) A right of disclosure, including the right to receive clear and
7 complete information about rates, charges, terms, and conditions
8 for available products and services, and to pay for products and
9 services according to the rates, charges, terms, and conditions they
10 have agreed to.

11 (b) A right of choice, including the right to select the products
12 and services they desire and to select the vendor of those products
13 and services, and to have those choices honored by the
14 telecommunications industry.

15 (c) A right of privacy, including a right to personal privacy, to
16 be protected from unauthorized use of their telecommunications
17 records and personal information, and to be free from intrusive
18 communications and technology.

19 (d) A right to public participation and enforcement, including
20 a right to participate in public policy proceedings, to be informed
21 of their rights and the agencies responsible for enforcing those
22 rights, and to have effective recourse if their rights are violated.

23 (e) A right to accurate bills and adequate remedies when bills
24 are not accurate, including a right to billings that accurately state
25 the products and services being charged, billings that enable the
26 consumer to understand what products and services are being
27 charged, and to receive fair, prompt, and courteous resolution of
28 a disagreement with, or question about, the appropriateness of any
29 charge.

30 (f) A right to be free from discrimination, including the right to
31 be treated equally to all other similarly situated consumers, free of
32 prejudice or disadvantage.

(g) *A right to safety and security of their persons and property.*
following:

~~(1) In 1911 California established by constitutional amendment the Railroad Commission. In 1912, the Legislature enacted the Public Utilities Act (Division 1 (commencing with Section 201) of the Public Utilities Code), expanding the Railroad Commission's regulatory authority to include natural gas, electric, telephone, and water companies as well as railroads and marine transportation companies. In 1946, the Railroad Commission was renamed the California Public Utilities Commission.~~

~~(2) The Public Utilities Commission regulates privately owned telecommunications, electric, natural gas, water, railroad, rail transit, and passenger transportation companies. The Public Utilities Commission is responsible for ensuring that California public utility customers have safe, reliable public utility service at reasonable rates, protecting customers from fraud, and promoting the health of California's economy.~~

~~(3) In pursuing these goals, the Public Utilities Commission establishes service standards and safety rules, and authorizes utility rate changes. It monitors the safety of public utility and transportation operations, and oversees markets to inhibit anticompetitive activity.~~

~~(4) In its efforts to protect consumers, the Public Utilities Commission prosecutes unlawful public utility marketing and billing activities, governs business relationships between public utilities and their affiliates, and resolves complaints by customers against public utilities.~~

~~(5) The Public Utilities Commission implements energy efficiency programs, low-income rates, and telecommunications services for disabled customers. It oversees the merger and restructure of public utility corporations, and enforces the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for public utility construction. The Public Utilities Commission works with other state and federal agencies in promoting water quality, environmental protection and safety. It also intervenes in federal proceedings on issues that affect California public utility rates or services.~~

~~(6) The Office of Ratepayer Advocates is an independent arm of the Public Utilities Commission that represents consumers in~~

1 ~~Public Utilities Commission proceedings, pursuant to statute. The~~
2 ~~Public Utilities Commission also has a public advisor who assists~~
3 ~~the public in participating in Public Utilities Commission~~
4 ~~proceedings, and a unit that is charged with informally resolving~~
5 ~~consumer complaints.~~

6 ~~(b) It is the intent of the Legislature to develop, in subsequent~~
7 ~~amendments, consistent and organized processes within the Public~~
8 ~~Utilities Commission for its proceedings, and for its enforcement~~
9 ~~and adjudicative functions.~~

